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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,429	09/29/1999	MIKLOS SANDORFI	07072/086001	4042

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DALY, CROWLEY & MOFFORD, LLP
SUITE 101
275 TURNPIKE STREET
CANTON, MA 02021-2310

EXAMINER
TRAN, DENISE

ART UNIT	PAPER NUMBER
2186	

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/408,429	SANDORFI, MIKLOS	
	Examiner	Art Unit	
	Denise Tran	2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6 and 7* is/are rejected.

7)☒ Claim(s) *5, 8-17 and 19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *15* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/9/02 has been entered.

2. Claims 1-17 and 19 are presented for examination. Claim 18 has been canceled.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-17 ad 19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 and 17-18 of copending Application No. 09/408,807. Although the conflicting claims are not identical, they are not patentably distinct from each other. The claims of the current application do not have a controller for producing a control signal; however, both the concept and the advantages of providing a controller for producing a control signal are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to comprise a controller for producing a control signal because it would allow enhancing to the system controlling.
This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 5, 8-17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chin et al., U.S. Patent No. 6,286,083 B1, (hereinafter Chin).

As per claim 1, Chin teaches the invention as claimed, a microprocessor interface disposed between a main memory and a microprocessor (e.g., fig.1, el. 104 disposed between els. 102 and 106; col. 4, lines 65 to col. 5, line 1), comprising: a semi conductor integrated circuit having formed therein (e.g., col. 4, lines 30-31): a data rebuffering section (e.g., fig. 2, el. 240) adapted to couple data from a one of a plurality of bi-directional data ports to a bi directional data port of the microprocessor selectively in accordance with a control signal (e.g. figs. 1-2, el. , el. 240 coupling one of bi-directional data ports to a bi-directional data port of microprocessor in accordance with a read/write request; col. 7, lines 22-40 or in accordance to a control signal col. 10, line 63 to col. 11 line 26); and a main memory interface (e.g., fig. 2, el. 200) adapted for coupling to the main memory for the microprocessor, such main memory interface being coupled to the data rebuffering section (e.g., fig. 2, connections between el. 200 and els. 250-252) for providing control signals to the main memory for enabling data transfer

between the main memory and the microprocessor through the data rebuffering section (e.g., col. 14, line 36 to col. 15, line 30).

As per claim 6, Chin shows wherein the data rebuffering section includes: a selector responsive to the control signal for coupling data between a selected one of the bi-directional data ports and the bi-directional data port of the microprocessor (e.g., col. 10, line 63 to col. 11 line 26).

As per claim 7, wherein the data rebuffering section includes; a selector responsive to the control signal for coupling the bi-directional data port of the microprocessor to either: a selected one of the bi-directional data ports; or the main memory, selectively in accordance with the control signal col. 10, line 63 to col. 11 line 26).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chin as applied to claim 1 above, and further in view of Stolt et al., U.S. Patent No. 5,721,860 (hereinafter Stolt).

As per claims 2-3, Chin shows the memory is a selected one of a plurality of memory types and one memory type is SDRAM. Chin does not shows each type having a different data transfer protocol and wherein the main memory interface is configured in accordance with the selected one of the plurality of memory types to provide a proper memory protocol to data being transferred between the processor and the memory through the main memory interface. Stolt shows each type having a different data transfer protocol (e.g., abstract) and wherein the main memory interface is configured in accordance with the selected one of the plurality of memory types to provide data being transferred between the processor and the memory through the main memory interface (e.g., col. 5, line 22 and et seq.); each memory type having a different data transfer protocol and the main memory interface is configured to provide a proper memory protocol to data being transferred (e.g., col. 2, line 11 and et seq.; col. 5, line 35 and et seq.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Stolt into the system of Chin because it would provide an independently controlling of a selected memory type.

As per claim 4, Furthermore, Stolt does not explicitly show the use of RDRAM. "Official Notice" is taken that both the concept and the advantages of providing RDRAM are well known and expected in the art. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to include a RDRAM because it would provide a high speed memory accessing.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Tran whose telephone number is (703) 305-9823. The examiner can normally be reached on Monday, Thursday, and an alternate Wed. from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (703) 305-3821. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Denise Tran

D.T.
December 19, 2002